In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 15929 of 2006

Date of Decision: 9.10.2006

Raj Rani

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Ramesh Goyal, Advocate
for the petitioner.

...

J.S. Khehar, J. (Oral).

The petitioner moved a representation dated 26.5.2006 to the respondents, requiring them to transfer her to the place of posting of her husband, namely, Gurdaspur. The aforesaid representation has been placed on the record of this case as Annexure P-1. The aforesaid representation was recommended for adjustment as per the request of the petitioner, by the Officer on Special Duty to the Chief Minister, Punjab. On the receipt of the aforesaid request, the petitioner was transferred from PHC - Sito Gona in district Ferozepur, to PHC – Ranjitbagh in district Gurdaspur. The grievance raised by the petitioner in the instant writ petition is, that the order of her aforesaid transfer dated 30.6.2006 from district Ferozepur to district Gurdaspur, has been annulled after a short period of approximately three months, by an order dated 14.9.2006 (Annexure P-4), whereby she has been reverted back to the place of her original posting, namely, PHC – Sito Gona in district Ferozepur.

It is the vehement contention of the learned counsel for the

petitioner, that in terms of the policy instruction issued by the State government, the petitioner should be accommodated at the place where her husband is posted, or alternatively, the husband of the petitioner who is an employee of the Punjab State Electricity Board, should be accommodated at the place of the posting of the petitioner.

In exercise of our extra ordinary jurisdiction under Article 226 of the Constitution of India, it is not possible for us to interfere in the impugned order of transfer dated 14.9.2006, since neither any malafides have been alleged nor is it the case of the petitioner, that the transfer in question is based on extraneous consideration. Be that as it may, we are of the view, that if the petitioner's statement is correct, that she and her husband never remained posted in the same station throughout their service career, it would be in the fitness of the matter, if the two could be located at the same station, or at a station nearby to one another. While declining to interfere in the impugned order of transfer, we would require the State government to look into the matter and pass an order, if possible, accommodating the husband and wife together.

Disposed of accordingly.

A copy of this order be furnished to Mr. Ashok Aggarwal, Additional Advocate General, Punjab, under the signatures of the Court Secretary attached to this Court, for onward transmission to the concerned authority.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

9.10.2006
sk.